

REMARKS

Claims 1-11 and 13-17 are pending in the application. Favorable consideration is requested.

Turning first to the claim amendments, Claim 1 has been amended to incorporate the subject matter of Claim 12. Thus, no new matter has been added to the application.

Before turning to the prior art rejections, applicants note with appreciation that claims 2-7 and 17 have been indicated to be allowable.

Turning to the prior art rejections, Claims 1, 8-10 and 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita. Applicants respectfully traverse the rejection for the following reasons.

As correctly stated in the Office Action, Kinoshita does not state or report the Mooney viscosity. However, the Office Action alleges that the parameter would appear to inherently result from using the process of Kinoshita. This is factually incorrect because Kinoshita is directed to a liquid oxidatively modified ethylenic random copolymer. See col. 1, lines 9-11 and 44-46, and the Abstract of Kinoshita. It is well known in the art that Mooney viscosity is a physical parameter of a solid, such as an elastomer. For the measurement of Mooney viscosity, disk-shaped samples are prepared and a sensor is sandwiched by the disk-shaped samples. It is impossible to prepare disk-shaped samples for a liquid material and thus it is impossible to measure Mooney viscosity for a liquid material as in Kinoshita. Thus, this evidence confirms that the copolymers of Kinoshita do not have the claimed viscosity.

Because Kinoshita does not suggest either the use of an ethylene- α -olefin copolymer having a Mooney viscosity of 10 to 250 at 100°C (claim 1) or a hydroxyl-modified ethylene- α -olefin copolymer having a Mooney viscosity of 10 to 250 at 100°C (claims 8 and 14), applicants

submit that independent claims 1, 8 and 14 are patentable over Kinoshita. The same argument applies to the rejections of claims 9 and 14 and the remaining claims.

Claims 1 and 8-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki. Applicants respectfully traverse the rejection for the following reasons.

Funaki discloses at paragraph 0018 that various peroxides have a one-minute half life temperature of 150-280 degree C. However, Funaki does not disclose or suggest the critical limitation of claim 1 of heating at a temperature ranging between the 10-hour half-life temperature and the 1-minute half-life temperature of the peroxide. For example, Funaki discloses in Examples 3 and 7 the use of di-tert-butylperoxide, which has a one-minute half life temperature of 185.9 degree C (see paragraph 0045) and a 10-hour half-life temperature of 54.6 degree C (see paragraph 0036). The peroxide of Examples 3 and 7 is mixed with a product of Example 1 and is then kneaded at 260 degree C. Aside from this different process, this temperature is not a temperature between the 10-hour half-life temperature and the 1-minute half-life temperature of the peroxide. Indeed, Funaki teaches heating a mixture containing a peroxide at a temperature higher than the one-minute half life temperature and the 10-hour half-life temperature of the peroxide. There would be no motivation to change the heating temperature of Funaki to the claimed range because doing so would run contrary to the teachings of Funaki. Thus, claims 1 and 8-16 are patentable over Funaki.

In view of the foregoing amendments and remarks, applicants submit that the application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

WATANABE ET AL.

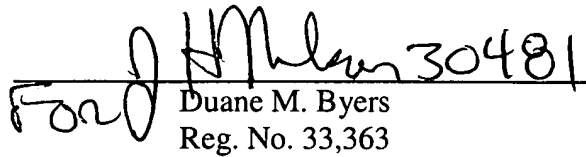
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